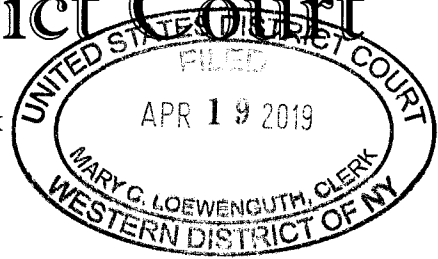


United States District Court

for the
Western District of New York



United States of America

v.

Case No. 19-MJ- 4069

JUSTIN CHANNELL

Defendant

CRIMINAL COMPLAINT

I, CARLTON TURNER, Task Force Officer with the United States Federal Bureau of Investigation, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On and before February 28, 2019, in the Western District of New York, the defendant JUSTIN CHANNELL, violated Title 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2), offenses described as follows:

the defendant did knowingly possess material that contained an image of child pornography that had been transported using a means or facility of interstate or foreign commerce, or had been transported in or affecting interstate or foreign commerce by any means, including by computer while having a prior conviction involving the possession of child pornography, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

SEE ATTACHED AFFIDAVIT OF CARLTON TURNER, TASK FORCE OFFICER, F.B.I.

This Criminal Complaint is based on these facts:


☒ Continued on the attached sheet.


Complainant's signature

CARLTON TURNER, TFO, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: April 19, 2019


Judge's signature

City and State: Rochester, New York

MARIAN W. PAYSON, United States Magistrate Judge
Printed name and title

19-mj-4069

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:
CITY OF ROCHESTER)

CARLTON TURNER, having been first duly sworn, deposes and states as follows:

1. I am a sworn Task Force Officer ("TFO") with the Federal Bureau of Investigation ("FBI") and an Investigator for the Rochester Police Department ("RPD"). I have been a member of the RPD since May 1998, and I have been assigned to the FBI Child Exploitation Task Force since October 2015. I am trained to investigate and have participated in investigations involving a wide range of local, state, and federal criminal violations. In my position with the FBI Child Exploitation Task Force, I am responsible for investigating crimes against children, including the production and possession of child pornography in violation of 18 U.S.C. § 2252A. As a duly sworn FBI TFO, I am empowered to conduct investigations of and make arrests for offenses against the United States.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that Justin CHANNELL knowingly possessed child pornography that had been transported in interstate or foreign commerce by computer while having a prior conviction for possession of child pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2).

3. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law

enforcement officers and witnesses, and my review of documents, reports, and records gathered through the investigation of this case.

4. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. Rather, I have set forth only the facts that I believe are necessary to establish probable cause that CHANNELL did knowingly violate 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2).

BACKGROUND OF INVESTIGATION

5. On or about May 21, 2012, CHANNELL was convicted of possessing child pornography in violation of 18 U.S.C. § 2252A(a)(5) and sentenced a term of imprisonment of 12 months and 1 day and, upon release from imprisonment, a period of 15 years of supervised release.

6. One of the special conditions of CHANNELL's supervised release required him to provide advanced notification of his possession or use of any internet accessible devices and submit to monitoring of any accessible device while on supervised release.

7. On or about March 26, 2019, your affiant spoke with US Probation Officer Jillian Trahms, who is assigned to the Western District of New York, Rochester Office, and is responsible for supervising CHANNELL.

8. Officer Trahms stated that CHANNELL has a Black Galaxy J3 Luna Pro mobile phone, model SM-S327VL, serial number: R28K803M5FF that was being monitored by Remotecom, the company contracted to provide monitoring services for the US Parole and Probation Office.

9. Officer Trahms stated that on or about February 28, 2019, she conducted a home contact with CHANNELL and, at that time, CHANNELL confessed that he had been viewing child pornography on his monitored smartphone.

10. Further, on or about March 1, 2019, Officer Trahms contacted Remotecom and subsequently learned that child pornography had possibly been detected on CHANNELL's monitored device. As a result, Remotecom provided the US Probation Office with a report containing the images of suspected child pornography.

11. Your affiant has viewed the Remotecom report and has observed over one hundred and fifty images of child pornography. Three such the images are described below:

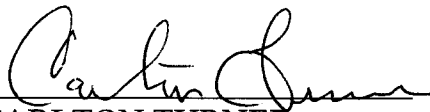
a. An image of a prepubescent girl approximately 6 to 8 years old wearing a black and white shirt only. The shirt is unbuttoned and the girl has her legs spread open exposing her vagina in a lascivious manner.

b. An image of a nude prepubescent girl approximately 8 years old. The girl is sitting down with her legs spread opened exposing her vagina in a lascivious manner.

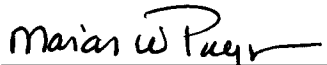
c. An image of a nude prepubescent girl approximately 6 years old. The girl is lying down holding a lollypop in her right hand. The girl has her legs spread opened exposing her vagina in a lascivious manner.

12. Based upon your affiant's training and experience in the investigation of child pornography cases, the images observed constitute child pornography, as defined by 18 U.S.C. § 2256(8).

13. Based on the foregoing, I respectfully submit that there is probable cause to believe that Justin Channell did knowingly possess child pornography while having a prior conviction involving the possession of child pornography, in violation of 18 U.S.C. §§ 2252A (a)(5)(B) and 2252A(b)(2).


CARLTON TURNER
Task Force Officer
Federal Bureau of Investigation

Sworn to before me this 19
day of April, 2019.


MARIAN W. PAYSON
United States Magistrate Judge